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THE TITLE OF A MEXICAN LAND GRANT

TRANSLATED BY GEORGE BUTLER GRIFFIN

The Historical Society of Southern California has published several valuable papers on Spanish and Mexican land grants in California, but the form of deed or title by which these were conveyed from the public domain to private ownership does not appear in any of these papers.

In the archives of our Society we have a fac-simile of the original title deed of Josefa Cota, widow of Antonio Maria Nieto, to the Santa Gertrudis Rancho. It was signed by Governor Jose Figueroa and his Secretary, Agustin V. Zamarano, at Monterey, the capital, 22 May, 1834. After the United States acquired California all land titles had to be authenticated by the Surveyor General of California and confirmed by the United States Board of Land Commissioners. The document was translated by George Butler Griffin, deceased, a former president of the Society.

This form of conveyance was used by Governor Figueroa and some of his successors, between May, 1833, and May, 1836, and the grants were recorded in a book as noted in this fac-simile. Subsequent to that time there was no record in a book but a brief memorandum of the grant; the *expediente* or title was, however, still filed in the office of the Governor.

The Territorial Deputation or Local Legislature, afterward, when the territory was created into a Department, called the Departmental Assembly, was supposed to approve the grant after the Governor had signed it, but this was not always done and sometimes when done no report was filed with the Governor's Secretary, the custodian of the records. Under Mexican domination, possession was ten points of the law, titles were rarely contested. Under American rule the careless methods of conveyance by the former government let loose a Pandora box of evils in the shape of litigation that ruined many a ranchero.

J. M. GUINN, *Editor.*

TRANSLATION OF THE TITLE

Jose Figueroa, Brigadier General of the National Mexican Armies, Commandante General, Inspector and Superior Political Chief of Upper California: Inasmuch as Doña Josefa Coto, widow of Don Antonio Maria Nieto, has established her right to the

estate of Manuel Nieto, deceased, and taking into consideration her ancient and pacific possession of the place known as Santa Gertrudis, adjoining the Mission of San Gabriel and lying between Los Coyotes and the hills, there having been had previously the formalities and examination in the premises as required by the laws and regulations. By virtue of the powers conferred upon me, by the decree of 27th of July of the past year, in the name of the Mexican nation, I have seen fit to declare the title to said place to be vested in her and that she be placed in peaceable possession thereof, by these letters in conformity with the laws and subject to the following conditions:

First, That she shall obey the laws which may be established by the regulations about to be made for the distribution of vacant lands; and that meanwhile neither the beneficiary nor her heirs shall subdivide or alienate said lands, nor subject the same to the effect of any lease, charge, loan, mortgage or other lien, not even though it be for pious uses as mortmain property.

Second, She may fence it, without prejudice to existing rights of way, roads and easements. She shall enjoy freely and exclusively in cultivation most agreeable to her, but within one year at farthest she must build a house and this must be inhabited.

Third, She may immediately solicit from the proper judge judicial possession under this order and he shall run the boundary lines at the extremities of which he shall place besides the customary bounds fruit trees or useful forest trees.

Fourth, The said land comprises five *sitios de grande mayor*,* a little more or less as shown in the map accompanying the papers in the case. The judge giving possession will cause the land to be measured in accordance with the ordinance in order that the boundaries be designated, the overplus that may result remaining national property.

Fifth, If she should violate any of these conditions she shall lose her right to the land and it shall be open to pre-emption by any other person.

Consequently, I order that these presents being her patent, it being legal and binding, entry shall be made in the proper books and that it be given to the beneficiary for her security and for other ends.

Given at Monterey, 22 May, 1834.

JOSE FIGUEROA.

AGUSTIN V. ZAMARANO, *Secretary*.

Entered in the book of entries of land patents at folio thirty, number twenty-eight, in the Secretary's office under my charge.

Monterey, 22 May, 1834.

ZAMARANO.

(rubica)

*Five leagues in full.

This final signature and its *rubica* authenticated the document itself and the fact of its being of record.

GEORGE BUTLER GRIFFIN.

Authentication of the title by the Surveyor General of California.

Office of the Surveyor General of the United States for California:

I, Samuel D. King, Surveyor General of the United States for the State of California and as such now having in my office and under my charge and custody, a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the two preceeding and hereunto summarized pages of tracing paper numbered one and two and each of which is verified by my initials (S. D. K.), exhibit true and accurate copies of two pages of an unbound Book entitled, "Titulos now on file and forming part of the said archives of my office.

In testimony whereof, I have hereunto signed my name officially and affixed my private seal, not having a seal of office, at the city of San Francisco, California, this tenth day of January, A. D. 1852.

SAML. D. KING,

Sur. Gen. Cal.